

MINUTES OF THE MEETING OF THE CITY OF SEAFORD MAYOR AND COUNCIL

August 8, 2006

7:00 p.m.

Mayor Edward H. Butler, Jr., called the Regular Meeting to order with the following present: Councilwoman Pat A. Jones, Councilwoman Grace S. Peterson, Councilman J. Rhea Shannon, Councilman Michael H. Vincent, and Councilwoman Leanne Phillips-Lowe. Dolores J. Slatcher, City Manager, and Charles D. Anderson, Director of Operations were also present.

Councilwoman Jones offered the opening prayer. Mayor Butler led those present in the Pledge of Allegiance.

Mayor Butler solicited changes to the agenda. City Manager Slatcher noted the agenda was revised on August 8, 2006 adding New Business No. 3. Councilwoman Jones made the motion to accept the revised agenda of August 8, 2006. Councilwoman Phillips-Lowe seconded the motion. Motion so passed with all present voting in favor.

Mayor Butler called for a motion to approve the Minutes of the Regular Meeting of July 25, 2006. Councilwoman Peterson so moved; Councilman Vincent seconded the motion. Motion so passed with all present voting in favor.

Mayor Short then recognized former Mayor Daniel B. Short for his contributions to the City as a Councilperson for four years and his eight year tenure as Mayor.

Mayor Butler opened the Public Hearing at 7:05 p.m.

City Manager Slatcher explained the purpose of the Public Hearing is to present information about the six properties requesting annexation into the City and to hear public comments and questions. She outlined the procedures of how the hearing would be handled then started the presentations.

Exhibit A is the annexation request of Nanette Corey, Trustee and Douglas Corey, for Tax Map and Parcel 3-31 4.00 38. This land is 45.057± acres located on Old Furnace Road adjacent to the Dolby property. The County zoning is AR-1; the requested zoning in the City is R-1 with the annexation. The 2003 City of Seaford Comprehensive Plan shows the land as in the Development District with residential.

Exhibit B is the annexation request of Ray S. Mears & Sons, Inc, Tax Map and Parcel 3-31 3.00 142 and 142.01, located on Bridgeville Highway. The acreage is 193.24±; County zoning is AR-1; the requested zoning with annexation is C-2/R-3. The 2003 City of Seaford Comprehensive Plan shows the land as the Town Center with commercial and residential.

Exhibit C is the annexation request of St. Rockland and Company, LLC, for Tax Map and Parcel 3-31 3.00 185 and associated parcels. The property is located on Bridgeville Highway and Hearn's Pond Road. The total acreage is 137.28±; County zoning is AR-1, the requested zoning with the annexation is C-2/R-3. The 2003 City of Seaford Comprehensive Plan shows the land as the Town Center with commercial and residential.

Exhibit D is the annexation request of Morris Properties, for Tax Map and Parcel 3-31 3.00 145. The property is located on Bridgeville Highway. The total acreage is 46.49±; County zoning is AR-1; the requested zoning with the annexation is C-2/R-3. The 2003 City of Seaford Comprehensive Plan shows the land as the Town Center with commercial and residential.

Exhibit E is the annexation request of Tuong Quan for Tax Map and Parcel 3-31 3.00 143, 143.04, 143.05, 143.06, and 143.07 located on Hearn's Pond Road. The total acreage is 171.795± acres; County zoning is AR-1; the requested zoning with the annexation is R-3. The 2003 City of Seaford Comprehensive Plan shows the land as the Town Center with commercial and residential.

Exhibit F is the annexation request of Steven and Cynthia Yingling for Tax Map and Parcel 3-31 3.00 138, located on Conrail Road. The total acreage is 42.54±; County zoning is AR-1; the requested zoning with the annexation is M-1. The 2003 City of Seaford Comprehensive Plan shows the land as the Town Center with manufacturing.

City Manager Slatcher clarified the zoning for this land and the other properties was determined by the 2003 City of Seaford Comprehensive Plan.

City Manager Slatcher presented, in brevity, the Annexation Committee Reports. The reports were similar since the issues will be the same because the lands are currently undeveloped farmland. The property owners requested annexation for two reasons: ① City utilities and ② Police services. Topics covered in the report were:

1) Streets and Roadways: DelDOT must approve new or revised entrances on Old Furnace Road, Bridgeville Highway, Hearn's Pond Road and Conrail Road. DelDOT may also require a Traffic Impact Study to address any improvements necessary for development to occur. The developer will construct the interior roads.

2) Storm Water: Any storm water management system to service these lands will have to be designed by the developer and approved by the Sussex Conservation District. Their regulations require the site to discharge the same quantity of storm water post-development as the property discharges pre-development.

3) Electric: The City will amend its service territory agreement with Delmarva Power through the Public Service Commission. Any development after the amendment would be serviced by the City of Seaford. All electrical design will be completed at the cost of the developer in accordance with City rules and regulations.

4) Sewer: The City has no existing sewer mains in close proximity to the lands. The developer will be required to extend sewer mains and construct lift stations as part of the project development cost. The City's Waste Water Treatment Plant has a capacity of 2 million gallons per day (mgd); the current flow is 1M mgd; new development plans will be contingent upon available capacity of the plant.

5) Water: The City has no water mains in close proximity to the lands; the City's water system does have sufficient water supply to support development. The developer will be required to provide the City with a plan of service to be approved by the City's engineer. All cost associated with the design and installation of the water service will be the responsibility of the developer.

6) Easements: The owners will provide the necessary easements for streets, water mains, sewer mains and electric installation to the City for dedication.

7) Property Tax: The land will be assessed by the City after annexation.

8) Advantages to the City:

- Benefit from increased tax base;
- Provide utility services to the parcels, spreading out the cost of service over a larger user base;
- Local control of development from the local municipal and being able to implement local Code to maintain the property based on complaints received;
- Area served by the Municipal Police which will reduce confusion and the expenditure of the dispatchers' time redirecting phone calls to the State Police;
- The governing body most impacted by the land use decision will be making those decisions;
- The City can provide direction and suggestions to the developer because they can offer the community's views regarding the projects that will have the best opportunity for success;
- This is in keeping with Livable Delaware to minimize sprawl; and,
- Residents will be close to schools, shopping and health care.

9) Disadvantages to the City:

- May increase capital and operating budgets;
- The City will have to add personnel to provide necessary services;
- Traffic may increase on local roads;
- The City will see an increase in the requests for review of plans, service extensions, Code and Police services.

10) Advantages to the areas seeking annexation:

- The areas will receive utilities from one owner;
- The areas will receive local police protection with the expectation of a shorter response time;
- Permitting will be coordinated through the City;
- Support will be provided in obtaining other agencies approvals;
- Checklist provided to the developers;
- The local government will do the zoning of the lands;
- The City will provide snow removal on City owned public streets, leaf and limb pickup at the curb, and maintenance such as paving, pavement markings, etc.
- The property owners will receive local representation through the elected officials and will have the right to vote in the election of those officials.

- They will benefit from the municipal water and sewer services after extended by the owner.

11) Disadvantages to the areas seeking annexation:

- The property owners will have to pay City taxes in addition to County taxes;
- They will have to adhere to local codes and ordinances;
- They will only have one vendor for utilities – water, sewer and electric;
- They will have to adhere to more restrictive codes in placement of outside storage and the appearance of property.

City Manager Slatcher noted the Committee recommended unanimously to proceed with the proposed annexation process. By Resolution a Public Hearing was to be held to fully explain what areas are being proposed for annexation into the City of Seaford. The City Manager read the disclaimer of the Committee Report: *"The annexation committee reviews solely the annexation of lands into the territorial limits of the City of Seaford. They do not review projects for any endorsement as part of the annexation process. Any projects that may be presented for the lands once they are annexed into the City of Seaford will follow the normal process for the development, including Planning and Zoning and City Council Public Hearings to allow the public the opportunity to comment on the project proposal."*

Mayor Butler opened the meeting for questions from Council. As there were none, he asked the public for their comments and questions.

Mr. A. Jay Dolby, 22347 Sussex Highway, stated he was the adjoining property owner to the Corey property and is in favor of the annexation as a natural extension of the City.

Mrs. Brenda Stover, 8427 Hearn's Pond Road, stated she had comments relating to several properties. At this point it was decided comments/questions would be heard relating to *Exhibits B-F*.

Mrs. Susan Messick, 8415 Hearn's Pond Road, sees the annexations as an opportunity to expand the Seaford city limits. She comments that as a life long resident of Seaford she wants to see positive growth; development to be accomplished as part of the American image; maintain the history of the area; develop the area with planning and to include the Hearn's Pond residents in the planning and growth.

Ms. Gabriel Zepecki, 8255 Hearn's Pond Road, is a relative newcomer to the area, who moved here from a metropolitan area. Her concerns with the annexation include the impact on the infrastructure and services to the community, clogged roads, an overburdened school system, higher taxes and less open space. She feels it is easier to plan and provide for the development rather than fix later. Can schools absorb the growth? How long will it take to build new schools? Has another location been determined for a waste water treatment plant? Can the Fire Department serve the growth? Does Seaford need a paid Fire Service? Can the City bear the costs of an expanded Police Department? Have traffic issues been addressed? Health care issues will increase, are there facilities for the aging population? Have the storm water management concerns been considered? Has a plan been worked out to coordinate opening of the dams to

handle the flood waters? Do we know the extent of the nutrient load? Have environmental studies been done? What effect will this development have on the wildlife? Ms. Zepecki concluded by stating a study should be undertaken to determine the long term cost. A plan needs to be in place to handle the ramifications of growth. She wants to see forethought to avoid growth problems.

Mrs. Brenda Stover, 8427 Hearn's Pond Road, believes that the annexation will be an opportunity to strengthen the town. Her vision is for responsible, visionary development that will attract people to enhance the community. She wants to see a vigilant Council attract entrepreneurs; she wants to see a healthy lifestyle; she wants to see the architectural integrity of the area respected; the development and provisions for adequate services without strife and tax burdens; and developers who will want to protect the environment. Her nightmare is a single focus development; traffic flow problems and long term residents paying for the "long gone developer"; the dam at Hearn's Pond is inadequate, its problems need to be addressed as it affects everything downstream. The lands to be annexed are within 100 feet of Hearn's Pond. She would like to see the vote go against the annexation until such time as the issues can be studied; Seaford's future is in the hearts and hands of the Council. She asked that studies be undertaken and then in a year or two readdress the annexation. Can we afford to move forward with one development proposing 700 houses? Mrs. Stover then presented a petition to Mayor Butler from the Hearn's Pond residents. The petition is made a part of the Annexation files.

Mr. Andy Strine, who owns *Exhibit C* and *D* and is under contract with the Yingling property, spoke next. Mr. Strine explained his family has been a part of Delaware for generations; he won't be walking away from his project. He intends to work with Seaford and the neighboring Hearn's Pond residents. The area under discussion is a Town Center, a mixed use area where people can live, work and shop. His company has been working on the project for three years. He recognizes the opposition to the project. Storm water management is a high priority. There are strict regulations and compliance issues in place from DRNEC and Conservation. He feels the Hearn's Pond residents are putting the cart before the horse to solve the issues; the issues can be addressed. He plans to work with the Hearn's Pond residents to gain their insight and knowledge of the area to better plan for his community. Mr. Strine noted that he attended the HAPPEN meeting and listened to the residents concerns. His last comment was that his company builds communities that are "communities".

Mr. Deric Strine, also of St. Rockland, then spoke. He expanded upon his brother's comments by saying that their business is a family business committed to enhancing the sense of community. He also reminded the audience that if the land is controlled by the County, the local government will have no control of what happens to the land. Under Livable Delaware, the local municipalities have a say on how money is spent; the City Council has input with DelDOT. He also pointed out the agricultural runoff is not controlled by Conservation, but development is. He also pointed out the development to the north of Hearn's Pond (Clearbrooke) has had a significant impact on the Pond. He concluded by saying that it will take decades to build out this project and everyone will benefit with places to live, work and shop.

Mr. Rex Mears, (Ray S. Mears and Sons, Inc.) current property owner of *Exhibit B*, spoke to the issues. His family has tilled almost all the land over the years. The annexation is important for Seaford. He pointed out that he has worked with the City during the development of Mearfield. St.

Rockland is an honorable company, what they say will be done, will be done. Mr. Mears noted that his daughter lives adjacent to the land being annexed. He reminded the residents that it is better to deal with the local government as they have the insight and ability to work with the regulatory agencies. He also noted that currently nothing is planned for the Mears land.

Mr. Jay Dolby came to the podium again. He stated that he is in favor of the annexation, and as an engineer he plans to review the storm water submittals and also make his comments known. As the owner of property downstream from the Pond, when the dam fails his property floods. All changes will end up on his property. He believes a development can be done without impacting his property negatively.

Mrs. Susan Messick spoke again. She believes the developer is truthful. There is a fear of the unknown, she is asking for consideration for lower housing density. The Strines have a great reputation, but if the housing market falls out, she visions condos in the R-3 area. However, she acknowledged the only way the land can be developed is with annexation as most of it won't perk. She feels single family homes are more appropriate for the area.

Ms. April Short, 8040 R. E. Short Drive, is opposed to the annexation. She stated that the back part of her property floods now and she doesn't see the annexation and development helpful because of the additional runoff that would occur. Ms. Short said she will have to pay County and City taxes with the annexation. City Manager Slatcher advised Ms. Short that her property is not being annexed; therefore, she would only pay County taxes.

Mr. John Chapis, 8057 Hearn's Pond Road, stated change is inevitable. He reminded Council of their slogan "Rich in History, Focus on the Future". He felt the annexation would be at the expense of the environment and quality of life.

Mrs. Kit McNealy, whose family owns a farm on Herring Run Road, stated she feels no planning is being done for increased traffic and housing. Does the City want to see service roads with high concrete barriers to block out noise from traffic? Seaford needs to think about growth and traffic.

Mr. Paul Hansen, 22353 Conrail Road, stated that his property adjoins the Yingling farm on the north. He doesn't understand the M-1 designation for the land. He also noted Conrail Road experiences enough traffic from FedEx and CXX. Where are new roads going? He feels the City needs to look at the annexation and not make mistakes; reconsider the annexation and how it affects the area. He also noted that he was concerned with what could be built in M-1. There is plenty of room in the Industrial Parks to put industry. He recommended that M-1 be put on the western side of the railroad.

There being no other public comments, City Manager Slatcher explained the Annexation Committee agreed to proceed with the annexation process on the properties. This gives the public the opportunity to decide on the fate. At the next Council meeting a Resolution will be presented setting the date, time and place and appointing a Special Board of Elections with residents of the City and representatives from each parcel of land. The Election judge will be appointed by the

Mayor at the next Council meeting. Once Council has approved the resolution then it is advertised. At this point, it is a public vote for the property owners of the land seeking annexation; the residents living in the territories seeking annexation and City residents and City property owners. There will be two ballot boxes, one for the City residents/property owners to make known their desire and one ballot box for the residents of the territory and the property owners to make known their desire. If the annexation fails, it cannot be reconsidered for another year. The elected officials do not force an annexation on anyone. The property owners come to the officials by petition; Council is then follows its Charter to process the request.

Mrs. Messick asked why the public hearing was held tonight? She felt it should have been before the annexation process actually started. City Manager Slatcher explained that a public hearing is required by the City Charter. It brings information to the public regarding annexation through advertisement so that is done in the public view. Everyone is made aware of the process that is taking place. The City residents can be influenced at the public hearing to vote in opposition but you can't influence the outcome of the vote unless you reach everyone who comes to the ballot box. She also noted each Council member only has one vote just like the other City residents.

Mrs. Carol Chapis asked if each property stands alone? City Manager Slatcher replied yes but each land has to be contiguous to the City limits. If St. Rockland and Mears were rejected then the Quan and Yingling properties can not be annexed without the others.

Mr. Jim Brace, 9683 Tharp Road, asked the City Manager did he understand correctly that the people affected can not vote if they are not in the City limit? The City Manager said at this point they can not vote if they are not in the City. The City Manager explained when the land becomes part of the City, it could be rezoned at a later date. The idea is to bring the land in with the densest zoning so that comments are made up front. If the zoning were to change, it would be at a less density.

Charles Anderson, Director of Operations, described what happens to an annexation application before it reaches the public hearing stage. The annexation request is reviewed by the Office of State Planning, who distributes it to various State agencies for their technical comments. The City has to provide the State with calculations for water and sewer usage. The City does have a planning document to work from to plan the City's facilities. We modified the City's Zoning Ordinance - R-3 to expand it as a mixed-use community within the zoned area - single family residential, duplexing and higher density garden apartments because the developers are doing this type of community to meet a wide range of buyers "wants". Based on what we are seeing with DelDOT regulations and Conservation regulations the highest density is 6-8 dwelling units per acres; Mearfield is 4-5 dwelling units per acre. The Zoning Ordinance says you can build 14 dwelling units per acre, but the City's experience says you can't get that many units per acre. Mrs. Stover asked what numbers would you report? You have to report some kind of numbers. Mr. Anderson explained the City looks at the development within the City and makes an educated guess on the lot coverage. For instance, if you look at the footprint of the building, WalMart is about 18% lot coverage versus the acreage. City Manager Slatcher stated that the written reports would be given to Mrs. Stover. She again stated the people are voting on the annexation of raw lands. We have had no projects presented, we only have the zoning. Mr. Brace asked if the City could provide the number of kids, how many people who will use the health care system, etc.

City Manager Slatcher explained the City doesn't have the ability to give a solid decision on how many people will live on the land or use the systems.

She then talked about how a project goes through the approval process – the developer submits three types of plans – sketch, preliminary and final. The City does not get involved what goes on outside its jurisdiction, but it can dictate what is put on the land in the City. Once the land is annexed the Planning and Zoning Commission and the City Council review each project. She mentioned that one thing that is not allowed in the City is trailer parks, they are not allowed. Mr. Jeff French asked if the Council has the ability prior to annexation to place R-1 zoning on the land and then placing the responsibility on the developer to down zone? City Manager Slatcher explained R-1 is the less dense with R-3 being the highest density; the developer can down zone after annexation.

Mrs. Paula Gunson, Executive Director of the Greater Seaford Chamber of Commerce, talked about the fact that the information presented tonight would be in the local newspapers for the City residents to read and to disseminate the facts. Those able to vote in this Special Election will understand the concerns and issues raised here tonight. She went on to restate that if the annexation does go through the public will have several opportunities to comment on the specific projects; in addition, numerous agencies will become involved in the development of the projects. The public needs to return to the meetings when the projects are presented.

There being no further comments, Mayor Butler closed the Public Hearing at 8:30 p.m. and reopened the Regular Meeting at 8:40 p.m.

City Manager Slatcher presented New Business # 1. George, Miles & Buhr has prepared a Scope of Services to study the alternatives for the expansion of the Waste Water Treatment Plant from 2.0 mgd (million gallons per day capacity) to 3.0 mgd, using the Biological Nutrient Removal technology. We will also be looking at ENR - Enhanced Nutrient Removal which is now required by DNREC, because of the TMDL (total maximum daily load) of the Nanticoke River. She explained the City expanded the plant in the 70's, 80's, 90's and now we are mid term 2000. This Scope of Services is the beginning of the process. We are currently running at $\frac{1}{2}$ the plant capacity and it takes a significant amount of time for any plant expansion and the permitting process to take place. The City hopes to maximize the existing site by working with DNREC and the regulators. We are asking for approval for the beginning Scope of Services in the amount of \$14,500 plus the estimated reimbursable expenses of \$250 so that we can start the dialogue with DNREC officials. The recommendation that the money is taken from the Treatment Plant Reserve account as this is money that is set aside for future plant expansion. Councilman Shannon asked if the City could expand the current facility. City Manager Slatcher explained that this would be part of the Scope of Services to see if we can or cannot do this, because it will take some engineering.

Councilwoman Peterson made the motion to accept the Scope of Services as presented from George, Miles and Buhr to review taking the Waste Water Treatment Plant from 2.0 mgd to 3.0 mgd and to use funds from the Treatment Plant Reserve account to pay for the Scope of Services. Councilman Shannon seconded the motion. Motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 2 which is the recommendation from the Parks and Recreation Committee to close the east end of Soroptimist Park from the pavilion east while the construction was going on. However, she explained the City put out bids for the improvements and did not receive any bids which were due on August 8, 2006. She is suggesting moving forward with closing the east end while the City crews take out the road. They will then secure the site and reopen the Park. The City is also asking the State for an extension of funding to rebid the project or have the City oversee the project and get the bids out for each specific discipline. She reminded Council that a similar situation was encountered with one of the ball fields. The reason the bids did not come in she feels is that the project is too small to pay State prevailing wages and for the contractor to deal with the amount of paperwork and State requirements. She requested that the Council give some latitude so the project can move forward when the construction does happen and we will be prepared for the closing. The City will install a sign and also put notification in the newspaper about the closing so the public is aware that the east end will be closed during the construction. She also noted Ron Breeding is working with the State on the grant extension.

Councilwoman Jones made the motion to accept the recommendation from the Parks and Rec Committee to close the east end of Soroptimist Park to allow the City of Seaford to start the excavation of the road way; the Park will be closed via public notification and allow Phase I to continue pending bids on construction. Councilwoman Phillips-Lowe seconded the motion. Motion so passed with all present voting in favor.

City Manager Slatcher presented New Business #3, the request to appoint Sharon Drugash as the City's representative to sign off on Project Worksheets, etc with FEMA. Councilwoman Phillips-Lowe made the motion to appoint Sharon Drugash as the City's representative to sign off on documents for FEMA. Councilwoman Peterson seconded the motion. Motion so passed with all present voting in favor.

City Manager Slatcher presented Old Business #1, a correction to the electric rate schedules presented at the July 25, 2006 Council meeting. She explained the rate sheets on the minimum bill were not corrected per the change in the energy charges. Upon approval from Council, the Residential minimum bill will be \$11.72; the commercial non-demand minimum bill will be \$11.43; the commercial demand minimum will be \$14.66; the medium general service minimum bill for summer will be \$339.20 and for winter it is \$306.80.

Councilman Vincent made the motion to adopt the corrected electric rate scheduled as presented. Councilman Shannon seconded the motion. Motion so passed with all present voting in favor.

REMINDER OF MEETINGS:

- Dinner for former Mayor Daniel B. Short on August 10, 2006, at Suicide Bridge Restaurant

Committee Reports:

Councilman Shannon reported that Traci Torbert is now a permanent dispatcher with the Police Department. Todd White has graduated from the State Police Academy. Marc Russell will be joining the Police Department on August 14, 2006.

Councilwoman Jones congratulated the Police Department on their efforts.

Councilwoman Peterson explained that with vacation schedules the Public Works Department is having trouble completing leaf and limb pickup as their other duties are taking priority.

Councilwoman Jones reminded Council that AFRAM is this weekend – August 13th and 14th. This event brings lots of publicity and tourists to the area. The event also helps unite the community. The parade is Saturday morning at 10:00 a.m. Former Mayor Short will be the Grand Marshall and will receive the Community Recognition Award.

Councilman Shannon asked about the blight at Seaford Furniture and if it is being cleaned up; will the City clean it up, if necessary? City Manager Slatcher said she is concerned with the complaints that are piling up and the health issues involved with them. Public Works is running into obstacles at every turn; some office staff may be helping with leaf and limb pick up. City Manager Slatcher explained to Council that Public Works has to get some critical things done first, however.

Mayor Butler reminded everyone that the combination of the doors was changed. He also reported that he received a good report from his medical tests.

There being no further business, Mayor Butler called for a motion to adjourn. Councilwoman Phillips-Lowe motioned to adjourn; Councilwoman Peterson seconded the motion. Motion passed unanimously to adjourn. Mayor Butler adjourned the meeting at 9:00 p.m.

By: _____
Dolores J. Slatcher, City Manager

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